

IC 20-5-44

Chapter 44. Condemnation of School Property

IC 20-5-44-1

Exclusive condemnation procedure

Sec. 1. After June 30, 1931, no school building shall be condemned and declared unfit for use for school purposes except in compliance with the provisions of this chapter.

(Formerly: Acts 1931, c.82, s.1.) As amended by P.L.2-1988, SEC.563.

IC 20-5-44-2

Petitions alleging grounds for condemnation

Sec. 2. A petition, signed by the state department of health, the state fire marshal, or not less than twenty-five (25) legal residents of the school corporation in which such building is situated, not less than fifteen (15) of whom are resident freeholders, may be filed with the auditor of the county in which such school corporation is located, alleging that the school building designated in such petition is insanitary or otherwise unfit for use for school purposes and should be condemned.

(Formerly: Acts 1931, c.82, s.2.) As amended by P.L.2-1992, SEC.703.

IC 20-5-44-3

Copies of petition; notice of hearing

Sec. 3. Upon the filing of such petition, the auditor of the county shall mail one (1) copy of such petition to the county superintendent of schools and one (1) copy to the township trustee or the president of the board of school trustees or board of school commissioners of the school corporation in which such school building is located, and shall give notice by one (1) publication in each of two (2) newspapers circulating in the school corporation in which such school building is situated that a hearing will be held, in a place and at a time which shall be designated in such notice, not less than ten (10) days after the day on which such notice is published, before the board of commissioners and the county council of such county, acting jointly, and that any interested person may appear in person or by attorney and be heard.

(Formerly: Acts 1931, c.82, s.3.)

IC 20-5-44-4

Special session of board of commissioners and county council to conduct hearing

Sec. 4. The auditor shall likewise call a special session of the board of commissioners and the county council to conduct such hearing and to determine the matter so submitted. The chairman of the county council shall preside at such hearing.

(Formerly: Acts 1931, c.82, s.4.)

IC 20-5-44-5**Hearing procedure**

Sec. 5. The hearing may be adjourned from day to day, and upon the conclusion thereof, the board and council, acting jointly, shall determine, from the evidence submitted, or from an inspection of the building, or both, whether such building should be condemned, and, if the board and council, acting jointly, shall determine that such building should be condemned, they shall so find, and shall fix a date when the order of the board and council shall become effective. From the finding and determination of the board an appeal may be taken to the circuit or superior court of the county, in the same manner as appeals are taken from the board of county commissioners.

(Formerly: Acts 1931, c.82, s.5.)

IC 20-5-44-6**Physical condition of high school not grounds for revoking or refusing to grant commission; effect on academic standing of pupils**

Sec. 6. After June 30, 1931, the state board of education shall have no authority to revoke the commission of any high school, or to refuse to grant a commission to any high school in this state, when properly applied for, because of the physical condition of any of the buildings in which such high school is conducted or maintained, nor shall the credits or the academic standing of any person who is a pupil in or a graduate of any high school be affected or determined in any manner whatsoever by the physical condition of the building in which such pupil attended high school.

(Formerly: Acts 1931, c.82, s.6.) As amended by P.L.2-1988, SEC.564.